

RECEIVED
CENTRAL FAX CENTER

AUG 18 2006

REMARKS

Claim 7 has been rewritten to include all of the limitations of the base claim 1 in its original form and of the intervening original claims 2, 4, 5 and 6. It is believed that the Rule 112 objection has been overcome by replacing "contribute substantially to" with "provide a major portion of" [structural support...]. It should be clear that "a major portion" means more than 50%.

New claim 9 depends to claim 8 claiming a second fan. Thus claims 7-9 are believed allowable in accordance with allowance stipulated on page 5 of the OA.

Claim 1 has been rewritten to more narrowly claim "a combined support structure and cooling duct system directed to physical support and cooling of a desk-top type electronic control console" more clearly and particularly defining the structure of "a heat-dissipating duct unit, external to the console enclosure, having two side-by-side vertical tubular straight duct portions extending downwardly from the console enclosure by a dimension exceeding the designated height thereof."

It is believed that claim 1 distinguishes clearly from the Sharp et al reference which in contradistinction discloses what appears to be a large floor-length rack-type cabinet containing "electronic assemblies in a vertical row", disclosing only air passageways that are internal to the enclosure, none of which appear to be actual ducts and certainly not tubular ducts but instead are merely existing passageways between the cabinet and the electronic assemblies, none of which are external and none of which "provide a major portion of structural support" as in the claimed invention.

Regarding the Fenton et al reference patent 4,887,437 cited for "vertical walls of the duct forming the passageway", neither Sharp et al or Fenton et al show or suggest applicant's "heat-dissipating tubular duct unit, external to the console enclosure,

having two side-by-side vertical tubular straight duct portions with upper ends that are connected to a bottom panel of the console enclosure in a manner to be in airflow communication with the interior region of the console enclosure which is otherwise made substantially airtight, the straight tubular duct portions extending downwardly from the console enclosure by a dimension exceeding the designated height thereof to lower ends that are mutually interconnected in airflow communication thus forming a closed loop air passageway that includes the duct unit and the console enclosure, the duct unit being made and arranged to also contribute substantially to provide a major portion of structural support of the control console". Instead the references disclose, show, teach and claim exclusively non-tubular ductwork that typically utilizes vertical walls of the enclosure or flat vertical panels e.g. distribution device 50 in FIG. 5 of Sharp et al and rectangular partial ductwork in all FIGs. 1-8 of Fenton et al that utilize the top of a truck to form the upper flat wall of the air passageway.

Furthermore, where these reference utilize such flat or rectangular ductwork, it is merely to convey air between thermal exchange devices, whereas applicant actually utilizes the *tubular duct system as the heat-dissipating element* receiving warm air and discharging air cooled by the tubular duct.

Regarding the Examiners question on page 2 of the OA about the scope of the claims and what is being claimed in original claims 1-8:

in claim 1 as rewritten, mention of "x-ray food inspection" has been removed;

in claim 7 this mention in the preamble has been modified to read "...providing physical support and cooling of electronic circuitry in a control console of a type suitable for use in conjunction with an x-ray food inspection station...". This remark was included in the preamble as hopefully helpful general background information regarding field of endeavor along with language to help establish antecedent basis for the claims. In

applicant's training and experience, the PTO gives little or no weight to the preamble regarding patentability and scope, these being the function of the claim elements. In this case, the Examiner expresses difficulty understanding the scope of the claims because of this remark in the preamble. Thus, in view of the possibility of the Examiner considering this remark in the preamble to be a limitation of the claim, this remark has been retained in rewriting claim 7 in order to ensure full compliance with the requirement to include "all of the limitations...", but modified to address the Examiner's confusion and objection. If these are not fully addressed and overcome, applicant would willingly delete mention of "x-ray food inspection station", as has been done in amending claim 1.

Claim 6 has been amended to further define the strut as "elongate" and to include the phrase "providing a minor portion of the structural support of the control console." where "a minor portion" means less than 50%.

New claims 10 and 11, depending to claim 1, define the U-shape of the tubular and the straight elongate support strut respectively.

Per the Examiner's request on page 2 of the OA, transmitted herewith as Appendix I is a photographic rendition which was the extent of graphic matter furnished by the inventor and which served as the basis for drawing FIGs. 1 and 2.

Applicant believes that the description provided in the specification page 4 line 4 to page 5 line 15 describes FIG. 1 and FIG. 2 fully, clearly and adequately.

In the interest of further clarification, claim 1 is recited with reference designators added:

"A combined support structure and cooling duct system directed to physical support and cooling of an electronic control console having a desk-top type enclosure 12A of designated height, comprising:

a heat-dissipating duct unit 12, external to the console enclosure 12A, having two side-by-side vertical straight tubular

duct portions 12B with upper ends that are connected to a bottom panel of the console enclosure 12A in a manner to be in airflow communication with the interior region of the console enclosure 12A which is otherwise made substantially airtight, the straight tubular duct portions 12B extending downwardly from the console enclosure 12A by a dimension exceeding the designated height thereof to lower ends that are mutually interconnected in airflow communication thus forming a closed loop air passageway that includes the duct unit 12 and the console enclosure 12A, the duct unit 12 being made and arranged to also provide a major portion of structural support of the control console." NOTE: The control console should be understood to include enclosure 12A.

Items 14, 16 and 18 are shown in FIG. 1 as environmental background only, as part of the "x-ray food inspection station" 10 mentioned in the preamble of claim 1 and discussed above, and wherein "Both the movement of containers 16 along the conveyor 18 and the sequential activation of x-ray apparatus [in enclosure 14] is controlled by a microprocessor and associated electronic control circuitry in enclosure 12A" (specification page 4 lines 8-11).

Applicant's tubular duct serving for both physical support as external legs under bottom panel of a desk-top package to be cooled, and for removal and dissipation of heat therefrom, is believed to be novel, unanticipated, unobvious and patentable.

In summary, it is believed that the foregoing descriptions show clear evidence of differences that are of such nature and extent that the claimed invention is neither anticipated thereby under Rule 102 or rendered obvious thereby under Rule 103 by the cited references individually or in any combination thereof, or by any other known art.

RECEIVED
CENTRAL FAX CENTER

AUG 18 2006

ALLOWABLE SUBJECT MATTER

Claims 1-11 are pending. Claim 7, as rewritten to include all of the limitations of the base claim 1 in its original form and of the intervening original claims 2, 4, 5 and 6, is believed to merit allowance in accordance with the stipulation on page 5 of the OA, along with claim 8 as amended and new claim 9 depending to claim 7.

Claim 1 as hereby amended is presented as meriting allowance along with amended claims 2-6 and new claims 10 and 11, depending to claim 1.

It is believed that each of the issues raised by the Examiner have been addressed, that no new matter has been introduced and that pending claims 1-11 as amended are in condition for review and allowance; such action is hereby earnestly requested.

No fee is seen as required at this time.

Respectfully submitted,


by J. E. McTaggart

Agent for the Applicant

Registration No. 29,754

1860 Eastman Avenue, Suite 105

Ventura, CA 93003

Tel. 805 339 0456